

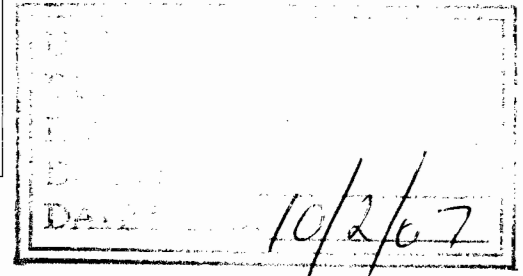
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE TRUSTEES OF THE
UNITE HERE NATIONAL HEALTH FUND and
THE TRUSTEES OF THE
UNITE HERE NATIONAL RETIREMENT FUND,
Plaintiffs,

against

NORD-RAY BELT MFG., INC.,
Defendant.

**NOTICE OF DISMISSAL
PURSUANT TO RULE 41(a)
07 Civ. 6771 (GEL)**



SIRS:

PLEASE TAKE NOTICE, that The Trustees of the UNITE HERE National Health Fund and The Trustees of the UNITE HERE National Retirement Fund (hereinafter, the "Plaintiffs"), having commenced the within action by filing a Complaint on July 27, 2007, and a copy of the Summons and Complaint having been served on Nord-Ray Belt Mfg., Inc., (hereinafter, the "Defendant"), and no Answer, Counterclaim nor Motion for Summary Judgment having been served by the Defendant, and it being the Plaintiffs' intention to voluntarily dismiss this action without prejudice; it is

THEREFORE, pursuant to the provisions of Rule 41(a) of the Federal Rules of Civil Procedure, the within action is hereby voluntarily dismissed without prejudice.

Dated: September 27, 2007
New York, New York

Mark Schwartz, Esq. (MS-0148)
Attorney for Plaintiffs
730 Broadway, 10th Floor
New York, New York 10003-9511
(212) 539-5275

SO ORDERED:

Gerard E. Lynch
United States District Court Judge

10/16/07

COPY

NORD-RAY BELT MFG., INC.,
Defendant.

AFFIDAVIT OF SERVICE
07 Civ. 6771 (GEL)

STATE OF NEW YORK)
County of New York) ss.

Annie Habeeb, being duly sworn, deposes and says:

1. I am over 18 years of age, am not a party to this action and reside in the County of Suffolk, New York 11788.

2. On September 28, 2007 I served the Defendant herein with a copy of the Notice of Dismissal Pursuant to Rule 41(a) by delivering a true copy of said Motion papers in an envelope addressed to the Defendant at 100 Orchard Street, Hackensack, New Jersey 07601 into the custody of the United States Postal Service at a Post Office within the State of New York for certified mailing, return receipt number 7007 1490 0000 4218 3776 and regular mail.

Annie Habeeb

Sworn to, before me, this
28th day of September 2007

Michele Reid

MICHELE REID
Notary Public, State of New York
No. 01RE6159608
Qualified in Kings County
Commission Expires 01/22/2011